

### **Remarks**

This Amendment is in response to the Office Action mailed November 13, 2006. Claims 43-62 were pending in this application at the time of the Office Action. Claims 43-47, 57, 58, 61 and 62 have been rejected. Claims 48-55 have been allowed. Claims 56, 59 and 60 have been objected to, but contain allowable subject matter. Claims 43, 44, 46 and 61 have herein been amended. Claims 47-58, 60 and 62 remain unchanged. Claims 45 and 59 have been canceled. New Claims 63-64 have been added.

Claims 43 and 44 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite with respect to the phrase “a home location.” Accordingly, Claim 43 has been amended to remove this phrase. Claims 44 and 61 have been amended to clarify that the home location is a “gripping mechanism home location.” In view of the same, it is respectfully submitted that the rejected under 35 U.S.C. 112, second paragraph, has been overcome.

Claims 43 and 45-47 have been rejected under 35 USC § 102 (b) as being anticipated by Moltrasio et al. (US Pat. No. 4,516,762). For the following reasons, the § 102(b) rejection is respectfully traversed.

Moltrasio et al. differs in both structure and function from Applicants' mailpiece feeder assembly, does not disclose the same elements (“identity of invention”) as Claims 43 and 45-47, and thus does not anticipate Claims 43 and 45-47 under the law pertaining to 35 U.S.C. § 102.

As previously indicated, Moltrasio et al. uses a bag lifting device 6 to lift a bag into a concave position as seen in Figure 3. Moltrasio et al. then utilizes a plurality of unsticking bars 22, 22', 30 and 30' from an unsticking device 8, distinct from the lifting mechanism, to separate adjacent bags. The unsticking bars are inserted under the top bag in a closed position, and are then moved to an open position to separate the adjacent bags, as shown in Figure 4 (see Column

2, line 64 to Column 3, line 59). Unsticking bars 22 and 22' also have associated pads 26, 26' which pinch the edges of the bag, proximate the ends of the bag, when the unsticking bars 22 and 22' are moved to the opened position, to finally separate the bags and move the separated bag to a conveyor belt (Figure 4, Column 3, lines 2-13).

It can be seen that Moltrasio et al. differs significantly from Applicants' mailpiece feeder which includes, *inter alia*, a lifting mechanism. Unlike Moltrasio et al., Applicants' lifting mechanism comprises at least one suction element and at least two separator elements which contact the top surface of the mailpiece to achieve the separation of the mailpiece from a stack of mailpieces. Claim 43 has been amended to include these elements, from canceled Claim 45, and their contact with the top surface of the mailpiece. The Examiner's rejection equates the unsticking device 8 and the pusher 13 of Moltrasio et al. to Applicants' at least two separator elements. However, elements 8 and 13 of Moltrasio et al. do not both contact the top surface of the bag. Accordingly, Moltrasio et al. does not anticipate amended Claim 43.

Regarding Claim 46, amended Claim 46 includes the limitation that the at least two separator elements impart a generally convex distortion to the mailpiece being lifted, relative to the stack of mailpieces below the mailpiece being lifted. Moltrasio et al.'s one pusher 13 imparts a concave distortion to the bag (see Figure 3). The Examiner's rejection indicates that Figure 3 of Moltrasio et al. shows a convex distortion, but that is not the case. The distortion shown in Figure 3 is concave. It would only be convex if Figure 3 was upside down. Nonetheless, Claim 46 has been amended to clarify that the distortion is convex relative to the stack of mailpieces below the mailpiece being lifted. The distortion in Moltrasio et al. is concave relative to the stack of bags below the bag being lifted.

For the above reasons, Moltrasio et al. does not anticipate Applicants' Claims 43 and 46-47 under 35 U.S.C. § 102(b).

Claims 44, 57, 58, 61 and 62 have been rejected under 35 USC 103(a) as being unpatentable over Moltrasio et al. in view of Emigh et al. (US Pat. No. 5,823,521) or in view of Willits et al. (US Pat. No. 4,958,824). Applicants have herein amended independent Claim 44 to incorporate the allowable subject matter from Claim 59, which has been canceled. Accordingly, the § 103(a) rejection is moot.

Claim 44 also has been amended to remove the word "completely" from the fifth line, as it is believed that this is a non-essential term which does not affect the patentability of the claim. Accordingly, it is respectfully submitted that independent Claim 44 is now in condition for allowance. Further, Claims 57, 58 and 61, which depend from Claim 44, are likewise now in condition for allowance. Claim 62, which is dependent upon independent Claim 43 (via Claim 47), is in condition for allowance in view of the amendments made to Claim 43, discussed above.

New Claim 63, dependent upon independent Claim 43, relates to the positioning of the at least two separator elements relative to the at least one suction cup. It is respectfully submitted that none of the prior art, alone or in combination, anticipates or makes obvious the limitation(s) of new Claim 63.

New Claim 64, dependent upon independent Claim 44, relates to the lifting mechanism having two suction elements and two separator elements, each contacting the top surface of the mailpiece during lifting. It is respectfully submitted that none of the prior art, alone or in combination, anticipates or makes obvious the limitation(s) of new Claim 64.

It is respectfully submitted that none of the prior art of record, either alone or in combination, fairly teaches, suggests or discloses the novel and unobvious features of Applicants

claims as presented herein. Accordingly, Applicants respectfully assert that the claims as presented herein are now in condition for allowance. An early notice allowance is respectfully requested.

Any arguments of the Examiner not specifically addressed should not be deemed admitted, conceded, waived, or acquiesced by Applicants. Any additional or outstanding matters the Examiner may have are respectfully requested to be disposed of by telephoning the undersigned.

A postcard is enclosed evidencing receipt of the same.

Respectfully submitted,

**PATULA & ASSOCIATES, P.C.**

A handwritten signature in black ink, appearing to read "C. T. Riggs Jr.", written in a cursive style.

Charles T. Riggs Jr.

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